

NO. 11  
PROPOSED ORDINANCE

AN ORDINANCE TO APPROVE THE INSTALLATION OF A SEWER SYSTEM BY SUSSEX COUNTY WITHIN THE TOWN OF FRANKFORD.

WHEREAS, the creation of the Dagsboro-Frankford Sanitary Sewer District was approved by residents of the Towns of Dagsboro and Frankford in an election on September 17, 1988; and

WHEREAS, the Town of Frankford, a municipal corporation of the State of Delaware, is within the Dagsboro-Frankford Sanitary Sewer District of Sussex County; and

WHEREAS, in accordance with 9 Del.C. §6703, Sussex County cannot construct or maintain a sewerage system within said Town without the consent of the Town;

NOW, THEREFORE,

THE TOWN COUNCIL OF FRANKFORD HEREBY ORDAINS:

Section 1. Consent is given to Sussex County to construct and maintain a sewerage system within the boundaries of the Town of Frankford for the Dagsboro-Frankford Sanitary Sewer District.

Section 2. Consent is given to Sussex County to construct or maintain transmission lines or mains, sewerage systems, or any part thereof, within the boundaries of the Town of Frankford and Sussex County shall have the perpetual right to enter upon its streets, roads, avenues, alleys, and other public thoroughfares (see Exhibit "A" incorporated herein) at any time that it may see fit to construct, install, maintain, replace and repair underground pipelines

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and/or mains for the purpose of conveying sewage over, across, through and under the streets, roads, alleys, and other public thoroughfares within the corporate limits of the Town of Frankford, together with the right to excavate properly and refill properly ditches and/or trenches for the location of said pipelines and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions, except the water system or any part thereof, interfering with the location, construction, installation, replacement, repair and maintenance of the said pipelines and/or mains, upon the following terms and conditions:

1. That the entire width of all paved streets shall be repaired and/or rebuilt at a minimum to State of Delaware Division of Highways standard specifications for secondary roads and the entire width of all unpaved streets shall be restored to their original condition or better; and
2. That the water system or any part thereof including transmission lines or mains shall be repaired and/or rebuilt at a minimum to State of Delaware specifications for such water system or any part thereof and shall be restored to their original condition or better; and
3. That the repair, rebuilding or restoration of all streets and water system or any part thereof shall be subject to the inspection, review, approval and acceptance of the Town Inspector; and

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4. That this easement does not grant permission for any construction, maintenance, replacement, repair, or installation in any State of Delaware maintained highway, which said permission must be received from the State of Delaware Department of Transportation; and

5. That this easement does not grant permission for any construction, maintenance, replacement, repair or installation to the water system or any part thereof including pipelines and/or mains, which said permission must be received from the Town of Frankford.

6. That any construction, maintenance, installation, replacement and repair, except of an emergency nature, must be scheduled so as not to obstruct both ends of a street in any one block at any one time; and

7. That on streets where there are dead ends, such street shall not be blocked at the open end during any weekend or overnight except for work of an emergency nature; and

8. That prior notice for construction, replacement and repair, except that of an emergency nature, shall be transmitted to the Town of Frankford before such work proceeds.


Section 3. The Town Council of Frankford is authorized and directed to execute and deliver to Sussex County Council a Deed of Easement as set forth herein and subject to the restrictions and conditions prescribed.

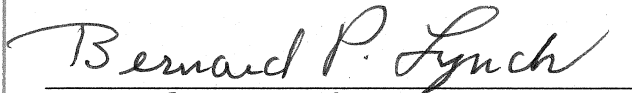
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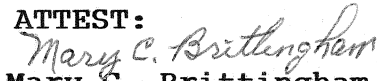
Section 4. The consent granted herein shall be irrevocable, and required by 9 Del.C. §6703.

Section 5. This Ordinance shall become effective upon its adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 11 PASSED BY THE FRANKFORD TOWN COUNCIL ON SEPTEMBER 4, 1991.

  
Ralph L. Holloway,  
President Of The Town Council Of  
The Town of Frankford

  
Bernard P. Lynch,  
Secretary/Treasurer Of The  
Town Council Of  
The Town Of Frankford

ATTEST:  
  
Mary C. Brittingham,  
Town Clerk